

VILLAGE OF NEW MINAS
REGULAR COMMISSION MEETING
AUGUST 8, 2005
7:00 p.m.

The Regular Village of New Minas Commission meeting was held on August 8, 2005 at 7:00 p.m. in the Civic Centre.

In Attendance:

Chair Dave Chaulk
 Vice-Chair Linda Lockhart
 Commissioner Les Barrett
 Commissioner Dale Pineo
 Commissioner Sherry Swanburg
 Clerk Treasurer Terry Silver

Also in Attendance:

Mr. George Libby, Executive Director, Crosby House
 Mr. Maynard Stevens, Resident
 Mr. Eric Smith, Councillor District 11
 Mr. Peter Pothier, Superintendent of Public Works
 Mr. Dean Hatt, Resident
 Ms. Rebecca Crouse, Resident
 Mr. Les Millett, Resident
 Mr. Scott Callaghan, Resident
 Mr. Robert MacDonald, Resident
 Mr. Stephen Schofield, Resident
 Mr. Brad Milton, Resident
 Mr. Don Morine, Resident
 Mr. Anthony Bezanson, Resident
 Mr. Allan Milton, Resident
 Mr. Sam Milne, Resident
 Mr. Mike Smith, Resident
 Mrs. Barbara Messom, Resident
 Mrs. Marguerite Messom, Resident
 Mr. Allie Craswell, Resident
 Mr. Rod MacInnis, Resident
 Mr. Mark Redmond, Resident
 Mr. John Mroz, Resident
 Mr. Don Zwicker, Resident
 Mr. Blake Curry, Resident
 Mr. Marvin Messom, Resident
 Mr. Carl Hick, Resident

CALL TO ORDER

Chair Dave Chaulk called the meeting to order at 7:00 p.m.. He welcomed everyone in attendance and recognized former Commissioners Marvin Messom and Rod MacInnis, as well as County Councillor Eric Smith.

APPROVAL OF MINUTES

Regular Meeting July 11, 2005

It was moved by Vice-Chair Lockhart, seconded by Commissioner Swanburg, that the Regular Commission minutes of July 11, 2005 be approved as presented. MOTION CARRIED unanimously.

Special Meeting July 14, 2005

It was moved by Commissioner Swanburg, seconded by Vice-Chair Lockhart, that the Special Commission minutes of July 14, 2005 be approved as presented with the following change: Page 4, last line remove the words “*newspaper article*” and replace with “*a letter which was circulated in the community*”. MOTION CARRIED unanimously.

APPROVAL OF AGENDA: August 8, 2005

It was moved by Commissioner Barrett, seconded by Commissioner Swanburg, that the Agenda for August 8, 2005 be approved as presented. MOTION CARRIED unanimously.

PRESENTATION: Mr. George Libby, Crosbie House

Mr. George Libby was welcomed to the meeting. He stated that the Crosbie House is a non-profit organization, which is run by a Board of Directors. The Crosbie House is a facility established more than 25 years ago to help persons with all types of addictions, and offers a 28-day program. He stated that the facility was located for that length of time in Kentville, and then moved to Middleton several years ago. The beds were cut from 420 to 40 at that time. A move is now afoot to resurrect the Crosbie House in this area and two locations have been investigated. Funding is being secured to renovate the building of choice, and an application for re-zoning is underway, which is the reason for his presentation to the Commission tonight – to acquaint the Commission with the program. Information is attached to original minutes.

Mr. Libby stated that concerns have been expressed that the clients may cause disturbances in the area of Crosbie House. He stated this has never been the case in the 25 years he has worked with the organization, and certainly does not anticipate anything of that nature happening; the program is not conducive to this type of problem. He then asked for questions.

Commissioner Swanburg asked about the time frame. Mr. Libby stated that they hope to have the renovations and land use bylaw amendments completed by November 1. Chair Chaulk asked how many people facility will accommodate. Mr. Libby answered that there will be 8 in-patients and up to 4 day-patients (8 a.m. to 9 p.m.). He stated it is a very intense program and the residents are very serious about their recovery. Chair Chaulk asked if the same program will be offered as in the Middleton program. Mr. Libby replied that the program in Middleton is more of a 21-day Detox program. The program proposed in this location is a 28-day, 2 year follow-up program; however, he stated that there is a direct affiliation if required, as circumstances dictate. Mr. Libby stated that many local professionals offer their services, eg: dentists, lawyers, etc., and will also act as mentors.

Mr. Libby was thanked for his presentation.

BUSINESS ARISING FROM THE MINUTES :

(a) Historic Property – “old New Minas Schoolhouse”

Chair Chaulk asked if the Commissioners had had an opportunity to view the “old New Minas Schoolhouse”. Commissioner Barrett stated that he has looked at the building and it is his opinion that it would take considerable work and money to restore the building. Commissioner Pineo stated that he has no knowledge of the criteria to have a building designated as a heritage property, and felt that someone else should be contacted to do so. Mr. Maynard Stevens was asked if he knew of any organization that could be contacted. He stated that he had viewed the building and agreed it is in very poor condition. He suggested the Kings Historical Society may give it a viewing. Ms. Rebecca Crouse also stated that there are very strict rules, and suggested contacting the Nova Scotia Museum to do an assessment.

It was moved by Commissioner Barrett, seconded by Commissioner Pineo that the Clerk contact the Nova Scotia Museum to consider the “old New Minas Schoolhouse” as a heritage property. MOTION CARRIED unanimously.

(b) In Camera Sessions request to Minister - Update

Clerk Treasurer Silver advised she had written a letter to the Minister of Service Nova Scotia pursuant to the Commission’s direction from the July meeting. To date, no response has been received. She will update the Commission when an answer is received.

COMMITTEE REPORTS

(a) Water Commission – Vice Chair Linda Lockhart

Vice-Chair Lockhart advised there was no meeting of the Water Commission in July and there will not be a meeting in August.

(b) Area Advisory Committee – Commissioner Dale Pineo

Commissioner Pineo gave the report of the Area Advisory Committee. He highlighted the following items:

- Mrs. Miriam Coldwell was appointed as Chair
- Mr. Dale Pineo was appointed as Vice-Chair
- Application from Dooley's to amend their Development Agreement to extend hours of operation and allow a sidewalk patio was approved by the AAC
- Application from Assets Management to change their existing Development Agreement for the erection of two duplexes was approved by the AAC
- Housekeeping items in the New Minas Sector plan approved by the AAC
- Gordon Silver's application to be a member of the AAC, which was previously accepted by the AAC but rejected by the County PAC, has now been accepted by the County PAC.

It was moved by Commissioner Barrett, seconded by Commissioner Swanburg, that the report of the Area Advisory Committee, as presented by Commissioner Pineo, be approved as presented. MOTION CARRIED unanimously

NEW BUSINESS

(a) Recreation Director's Report

The Recreation Director's Report was provided to the Commissioners in their meeting package (copy attached to original minutes).

Commissioner Swanburg stated that she had noticed the poster for Celebration Days in Wolfville and was very impressed with the poster and the events being offered for the week-end. She stated the poster was very well done, and she asked the Clerk to pass on her comments to the Recreation Director for a job well done. The Clerk stated that Jennifer Coolen and her staff have worked extremely hard getting sponsors and planning events, and the week-end is shaping up very well. She thanked Commissioner Swanburg for her comments and said she would pass them along.

It was moved by Commissioner Swanburg, seconded by Commissioner Barrett, that the Recreation Director's Report be accepted as presented. MOTION CARRIED unanimously

(c) Tender Insurance Coverage- Recommendation from Committee of the Whole

It was moved by Vice-Chair Lockhart, seconded by Commissioner Swanburg that the tender from Macdonald Chisholm for insurance coverage, be accepted, as recommended by the Committee of the Whole. MOTION CARRIED unanimously.

(d) Municipal Finance Corporation Fall 2005 Debenture Funding

It was moved by Vice-Chair Lockhart, seconded by Commissioner Swanburg, that the Clerk be instructed to write to the Nova Scotia Municipal Finance Corporation and advise that the Village of New Minas does not require Debenture Funding for the fall of 2005. MOTION CARRIED unanimously.

(e) Notice of Reconsideration – Chair Chaulk

Chair Dave Chaulk advised that he had intended to give notice of reconsideration for a motion which was passed at the July 11, 2005 Commission meeting, where the tender for legal services was accepted. He stated he felt then, and still feels, that Commissioner Swanburg and Vice-Chair Lockhart had a conflict in taking part in any discussion and decision on this item. He stated he has since found out that in order to put forth a notice of reconsideration, he was required to notify the Clerk Treasurer in writing within three days of the motion being passed, and he did not meet this deadline. He stated he is not going to now give notice of reconsideration.

Chair Chaulk stated that at a Special Commission meeting on July 14th, which he called to try to resolve the conflict of interest issue, Vice-Chair Lockhart and Commissioner Swanburg stated they would respond to his question as to whether they would declare a conflict in approving the appointment of the Village's Solicitor. He stated they did not respond and he asked for their decision now. Commissioner Swanburg stated that her decision to not declare a conflict remains the same. Vice-Chair Lockhart stated that her decision to not declare a conflict remains the same.

(f) Committee of the Whole Meetings – Requirement

Chair Chaulk stated that the Commission had decided approximately a year ago to start holding Committee of the Whole meetings so that, if necessary, they may go In Camera to discuss sensitive issues. Now that the Commission is not permitted to hold In Camera sessions at all, he asked the Commission if they feel there is a need to hold Committee of the Whole meetings on a regular basis.

It was moved by Commissioner Barrett, seconded by Vice-Chair Lockhart, that the Commission discontinue holding regular Committee of the Whole meetings. MOTION CARRIED unanimously.

(g) Aalders Avenue 3-Way Stop – Commissioner Pineo

Commissioner Pineo stated that recently a number of residents of New Minas have expressed concerns with respect to the unsafe traffic/pedestrian conditions at the top of the hill upon entering the New Minas Elementary School zone (Aalders Avenue). He stated that some individuals suggested that a three-way stop might address these

concerns, and subsequently eliminate a potential serious accident in this area. Commissioner Pineo suggested that the Commission consider sending a letter to the Department of Transportation requesting that this three-way stop be erected.

It was moved by Vice-Chair Lockhart, seconded by Commissioner Swanburg, that the Clerk Treasurer write a letter to the Department of Transportation expressing the concerns of safety in this area and requesting a three-way stop be erected. MOTION CARRIED unanimously.

CORRESPONDENCE

(a) Letter from Village of Kingston to Minister re Fuel Tax

Chair Chaulk brought forth a letter sent to him from the Village of Kingston written to MLA Kings West Leo Glavine requesting that the government forward the Villages their appropriate portion of the Fuel Tax.

It was moved by Commissioner Barrett, seconded by Commissioner Pineo that a letter be written to our local MLA expressing our concerns and requesting that the Fuel Tax be forwarded to the Village of New Minas. MOTION CARRIED unanimously.

PUBLIC DISCUSSION PERIOD

Mr. Sam Milne

Mr. Milne expressed his concerns with the controversy over the past three months or so and suggested that the Attorney General's Department should take a look at the entire situation with the Commission. He stated that at the last Commission meeting the insurance costs were discussed and it was his understanding that the fees increased from \$27,000 to \$81,000 per year for liability insurance because of the lawsuits by two of the Commissioners. He said it is time for the Commissioners, all the Commissioners, to start doing what the people elected them to do. He said he wanted to make a motion to make an application to the Attorney General's Department to check on the conflict of interest issue so that the Commission can move on. Chair Chaulk advised that motions are not permitted from the floor.

Mr. Milne asked why the Commission's solicitor was not in attendance at this meeting. Chair Chaulk stated that the Commission agreed to only have the solicitor present if there were obvious legal issues to be dealt with.

Mr. Dean Hatt

Mr. Hatt stated that there should be appropriate air conditioning in the civic centre, and asked why air conditioners were not installed.

Mr. Don Zwicker

Mr. Zwicker expressed his concerns with the fact that two Commissioners voted on the legal tender when it was felt there was a conflict of interest, and then the higher tender was awarded the job, at a higher cost of \$55/hour. He stated now it is reported that because of these same two Commissioners, the insurance costs have increased by 300%. He said the time has come for Commissioners Swanburg and Lockhart to either decide whether to drop their lawsuits against the Village or resign as Commissioners. He asked Commissioner Swanburg and Vice-Chair Lockhart if they were prepared to do either.

Commissioner Swanburg stated that this issue has been batted around long enough and it had to stop. She stated that they have already stated their decision and will not continue to take this type of treatment. She said she and Vice-Chair Lockhart are the only ones they are attacking and she is not prepared to take any more.

Vice-Chair Lockhart stated she would not comment on Mr. Zwicker's question.

Commissioner Barrett stated that as a citizen or a group of citizens they have a right to file a complaint against Commissioner Swanburg and Vice-Chair Lockhart to determine if there is a conflict.

Commissioner Swanburg stated that anyone can do this. She said they come to the meetings thinking they can bully the Commissioners, and she will not be bullied. She said if they have a point – it should be made, but stop batting this thing around over and over again .

Mr. Zwicker stated that this is the first time he has included the increase in the insurance costs in his comments, and Commissioner Swanburg stated that is not true.

Mr. John Mroz

Mr. Mroz asked if the Commission now has a solicitor. The Chair answered "yes". Mr. Mroz stated that any one or any number of persons may do one of two things to deal with the conflict issue if they so choose: 1. They may make application to the supreme court for an inquiry. He stated this could cost upwards of \$3,000, but a citizen group could certainly do it, thereby sharing the costs. 2. They could apply to the Attorney General's department for an inquiry; again costs would be incurred. He stated it is not up to the Commissioners to do this; if citizens are concerned about what has taken place, they can do it.

Commissioner Barrett thanked Mr. Mroz for his insight, and stated that Mr. Mroz has a law degree and has practiced law. He stated he (Commissioner Barrett) has stated in the past that he received legal advice on this issue and was told by his solicitor that the Commission was actually in a conflict to even consider the law firm that is representing Commissioner Swanburg and Vice-Chair Lockhart, so that law firm's application should not even have been considered.

Mr. Sam Milne

Mr. Milne stated that individuals could contact their own lawyers and launch their own investigation if they feel something is remiss.

Vice-Chair Lockhart suggested that Mr. Milne might want to contact the Provincial Ombudsman, whose services are free, before expending a lot of money on a lawyer.

Mr. Marvin Messom

Asked if the Commission had made a decision on the sidewalks: are they planning to build new sidewalks on Commercial Street as well as Aalders Avenue? Chair Chaulk stated that Aalders Avenue is the only area receiving new sidewalks this year. Mr. Messom stated that there are many people walking on the south side of Commercial Street where there is no sidewalk, and fears someone is going to be injured with the busy traffic in New Minas.

Councillor Eric Smith

Councillor Smith asked if the Village is preparing to install new crosswalk signs this year. The Clerk Treasurer stated that they are required to replace the crosswalk signs, and they must be in place by September. She stated the process is well underway.

Mr. Blake Currie

Mr. Currie asked if the Commission has budgeted for the amount due for the insurance bill. The Clerk Treasurer stated that the budget had to be set prior to the Village's receiving the insurance renewal, and the liability insurance category is under budgeted by approximately \$50,000. Mr. Currie asked if cuts will have to be made elsewhere in order to accommodate this under budgeted amount, or if the budget can be adjusted.

Commissioner Barrett stated that before the tax rate is set the budget has to be approved. Mr. Currie asked if the rates would have to be increased to accommodate this. Commissioner Barrett stated that obviously if there is an over expenditure then it would reflect in next year's tax rate. Vice-Chair Lockhart stated that if there is a budget deficit this year, it must be included in next year's budget, and it could mean an increase in the tax rate.

Mr. John Mroz

Mr. Mroz asked if the increases in the insurance premiums for New Minas are comparable with those in other Villages and municipalities, and if not, what counsel has taken place to determine and deal with the discrepancies.

Commissioner Barrett stated that there is an itemized list of insurance premiums with last year's included for comparison purposes. He stated that the Public Entity Casualty has increased from \$27,000 last year to \$81,000 this year, and he assumes the reasons for this is because of the huge legal bills being paid, and anticipated to be paid, to defend the Village in the lawsuits against it.

Mr. Mroz asked again if the increases in the insurance premiums for New Minas are comparable with those in other Villages and municipalities, and if not what counsel has taken place to determine and deal with the discrepancies.

Clerk Treasurer Silver advised that, other than the Public Entity Liability, most categories increased by 3%, and the budgets were estimated at 5%; however the Public Entity Liability, which is the highest priced item, increased 300% and this has caused the budget overage. She stated that the brokers for the Village lobbied long and hard with the underwriters to get a better price, but they would not budge at all on the price.

Mr. Blake Currie

Mr. Currie stated that in the media recently, comments were made that there are lawsuits against a former Commissioner by the Village's former solicitor and other former Commissioners. He asked if this impacted on the Village's Liability insurance premium. The Clerk Treasurer responded that it does because the Village's Insurance is covering the defense of that Commissioner being sued.

ADJOURNMENT

On motion of Vice-Chair Lockhart, the meeting adjourned at 8:00 p.m..

Dave Chaulk, Chair

Terry Silver, Clerk Treasurer